

When and How to Apply for a 1200CA Permit



PBOT
PORTLAND BUREAU OF TRANSPORTATION

May 2023

What is a 1200CA Permit?

- 1200CA Permit is an Oregon Department of Environmental Quality (DEQ), Water Quality Permit.
- The Permit applies **when the disturbance impacts an acre or more on a discrete project** AND any runoff has the potential to eventually discharge into a waterway of the state (all of Portland's runoff).
- Disturbance includes areas for storing materials and construction staging areas.
- Replacement of existing asphalt does not qualify as "disturbance." This is considered maintenance. **Only when the base is disturbed, including adding rock, is it considered as a disturbance.**
- PBOT has a blanket 1200CA permit in place. (42 agencies in the state do.) **We just need to submit the Erosion Control Plan** using DEQ's YDO (Your DEQ Online).

So, my project disturbs 1 Acre or more, what do I do?

1. Develop an Erosion and Sediment Control Plan (ESCP) (stamped and approved by PBOT) – **We need a template for the narrative and plan to be included in the Special Provisions, Bid Book Appendix.** (Working with our consultant on NE 42nd Bridge Project to use as a “pilot.”)
2. **As a final design deliverable at final PS&E,** CED Engineer (even in consultant designed) to submit the ESCP (with narrative) to DEQ’s Electronic System, called YDO (Your DEQ Online).
3. Click on the module that says Submit Erosion and Sediment Control Plan. Create the project, upload the document, and answer a few questions.
4. Construction work may commence immediately after submitting a complete 1200-CA ESCP (which includes a plan, the narrative, a description, etc.) to DEQ, unless the disturbance is 5 acres or more, which requires a 14-day public comment period with notice on the Public agency or DEQ site.

What if the contractor applies a different Erosion and Sediment Control Plan?

- The Erosion and Sediment Control Plan is a working document. It can change; just make sure to update it on Your DEQ Online (YDO).
- Submitting an approved (stamped by a PE) may be done at the final stage of the Design Phase, e.g. when the plans go to bid.
- If changes are later made to the contractor's erosion control scheme, the ESCP must be updated within YDO within 3-days.

DEQ Enforcement

- DEQ performs inspections and is a portal for complaints.
- Make sure to perform visual inspections per the frequency noted in the permits and when discharge events occur.
- Keep pictures and records on site or digitally. If requested by DEQ, they must be provided within three days of request.

Other, but Important, Aspects

1. Add language to specifications that Contractor is required to contact DEQ to ascertain if a 1200C or other permit required for work and use of private property. Contractor is required to obtain those permits, pay permitting fees and above by those DEQ submittal requirements. For 1200C permits, DEQ submittal can take as little as 4 weeks for smaller project to longer for larger projects.
2. Contractor to work directly with DEQ representative. Although work covered by the 1200CA permit can commence immediately after submittal to DEQ, that is not the case for work covered by the 1200C.
3. **PBOT Designer (even if consultant design) is responsible for submitting the 1200CA Erosion and Sediment Control Plan to DEQ at final PS&E. If Contractor's Erosion and Sediment Control plan changes, then PBOT Construction Manager is responsible .** Contractor is responsible for applying for the 1200C for impacts to private property.
4. Responsible Official (R.O.) authorizations for 1200CA will be in place for PBOT Construction Managers only but not for consultants.

More information and handy references

Links to instructions and examples of Stormwater 1200-CA permit applications, Erosion and Sediment Control Plan (ESCP) template, other resources, and access to Your DEQ Online are found here:

<https://www.oregon.gov/deq/wq/wqpermits/Pages/1200seriesGov.aspx>

Still need help, contact Blair Edwards:

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Alternatively, Christine Svetkovich @ (503) 229-6991

Q&As

1. Is the RO the only role who can "start a submittal" **Yes.**
2. Wouldn't the EMP be part of the ESCP per the permit? **An Environmental Management Plan, such as a Contaminated Media Management Plan or Active Chemical Treatment System Plan are separate documents and must be submitted with the ESCP. The construction specific requirements of an EMP are to be incorporated into the ESCP (e.g., discharge location, area of disturbance, specific control installation and implementation).**
3. Blair, we are a council of governments (equivalent to a special district) that conducts habitat restoration (i.e., construction projects all over NW Oregon. Should we be submitting 1200-C or 1200-CA? **If the Council of Governments has jurisdiction on the land where the work is to be performed, a 1200-CA permit coverage is appropriate. If the land is owned by another entity, 1200-C permit coverage must be obtained.**
4. Why did DEQ let it go so long and not update overtime so it would be easy for people to change instead of waiting 20 years? Most other states kept updating with EPA rule changes? **I can't answer for the decisions made over 20 years ago; however, DEQ has or is currently renewing all out-of-date Stormwater general permits.**
5. When will 1200CA general notes be released? **All 1200-CA resource documents, including the ESCP Template, which contains the 42 Standard Notes will be posted soon to the 1200-CA webpage.**

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11. For measures that must be engineered, does it follow that "redlines" or proposed changes by the Contractor's ESCM should also be reviewed by an engineer? (skip this question if it's too much in the "weeds") **With the exclusion of revisions made to sedimentation basins, engineered soils and Environmental Management Plans, an engineer is not required to approve revisions to erosion and sediment controls in the ESCP.**
12. For 1200-CA is a LUCS required? **No, not for 1200-CA covered projects.**
13. What is timeline between submission and approval of permit? **The 1200-CA application review process will typically be concluded in less than 2 weeks. As a reminder: ESCPs are not submitted with applications and work can be initiated immediately after ESCP submission via YDO once the Public Entity is a 1200-CA permit registrant.**
14. Why does DEQ care if the disturbance area is "decreased"? **The Erosion and Sediment Control Plan must always display current project site conditions. A DEQ inspector need only inspect within the project boundaries during permit compliant inspections and must be aware of the current project boundaries. The permit registrant is responsible and must be permit compliant for the total project delineated in the ESCP. Not removing project areas from the ESCP that the registrant is no longer responsible for can result in inadvertent liability.**

Q&As

15. Can you clarify about item (d), page 1, under Sources covered by this permit. Item (d) seems to read regardless of total disturbance area. When could this apply? : "Any construction activity that may discharge stormwater to surface waters of the state that may be a significant contributor of pollutants to waters of the state or may cause an exceedance of a water quality standard" This condition allows DEQ to require 1200-CA permit coverage in areas where construction activities pose a risk to sensitive waterbodies. DEQ suggests that permit registrants contact DEQ to discuss any potential projects under 1 acre that may require permit coverage due item (d).
16. Work day 48 hours or 7 day work week? This question is too general for DEQ to provide a response.

Q&As

17. If a compliance issue happens before we can get into this system do to it being all at April 1 what is the answer? Section 16-Corrective Actions of the 1200-CA Permit became effective September 15, 2022. Section 16 requires that DEQ be notified of any non-compliance issues, such as a turbid discharge event, and that the appropriate steps be taken by the permit registrant to address the event. A Corrective Action Report must be submitted to DEQ via YDO to document the event, steps taken and inspection results that ensure the event was immediately corrected and prevented from happening again. If unable to submit a Correct Action report via YDO prior to April 1, 2023, you can email the Corrective Action report to me directly @ blair.edwards@deq.oregon.gov.
18. Does the visual inspection have to happen even if there is not construction-ground disturbance activity on particular days? Once construction activities begin, the site must be inspected per the frequencies established in Section 17 until the construction activities cease and final stabilization criteria are achieved. Construction activities disturb soils and create an erodible surface that may contribute sediment to stormwater runoff long after activities have stopped and until the disturbed soil is stabilized. In addition to the standard initial inspection and at least one every 14 days, the trigger for a Visual Monitoring Inspection is not when the construction activities are performed but if discharge occurred from the site.